

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Gloria L. Franklin
Clerk of Court

Santa Rosa Division
99 South E Street
Santa Rosa, CA 95404

Richard W. Wieking, Clerk
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Re: Case Name - Falk v. Falk
A.P. Case No. - 07-1080
Bankruptcy Judge Name - Alan Jaroslovsky

Dear Mr. Wieking:

- ☐ Enclosed please find a conformed copy of the notice of appeal, election to district court document, appellant designation, appellee designation, statement of issues, designated items to form the record on appeal, a certified copy of the docket and order being appealed for assignment to a district court judge.
- ☒ Enclosed please find the notice of appeal, certified copy of the docket and order being appealed to form the record on appeal for assignment to a district court judge.
- ☐ Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.
- ☐ Enclosed please find a Bankruptcy Judge's Recommendation that Appeal Be Dismissed and the Notice of Appeal and associated documents filed with the Bankruptcy Court.

Please acknowledge receipt of this appeal by stamping the district court case number on a copy of this letter and return it to *designated point of contact*.

GLORIA L. FRANKLIN, Clerk
United States Bankruptcy Court

Dated: February 14, 2008

By: Dan Sondheim
Deputy Clerk

FILED
FEB 25 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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FEB 11 2008
U.S. BANKRUPTCY COURT
SANTA ROSA, CA

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Attorney for Adversary Defendant/Counter-Claimant/Appellant

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:

Case No. 07-10865
Chapter 11

SHANNON FALK,
Debtor,

Adversary Proceeding No. 07-1080

SHANNON M. FALK,
Plaintiff,
vs.

NOTICE OF APPEAL

MICHAEL T. FALK,
Defendant,

MICHAEL T. FALK,
Counter-Claimant,
vs.

SHANNON M. FALK,
Counter-Defendant,

Pursuant to Section 158(a)(1) of Title 28 of the United States Code, Adversary Defendant and Counter-Claimant Michael T. Falk, appeals to the United States District Court for the Northern District of California from the Order Granting Plaintiff's Motion for Summary Judgment ("Order") entered by the Bankruptcy Court in this adversary proceeding on February 1, 2008.

The names of all other parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

Adversary Plaintiff: Shannon Falk

Represented by: David N. Chandler, Esq.
David N. Chandler, p.c.
1747 Fourth Street
Santa Rosa, CA 95404
Telephone (707) 528-4331

1 **Adversary Defendant:**

Michael T. Falk

2 **Represented by:**

3 Craig A. Burnett, Esq.
4 Law Offices of C. Burnett
5 537 Fourth Street, Suite A
6 Santa Rosa, CA 95401
7 Telephone (707) 523-3328

8 Bret E. Campoy, Esq.
9 Campoy & Bertram, L.L.P
10 509 Seventh Street
11 Santa Rosa, CA 95401
12 Telephone (707) 525-5778

13 Date: 11 February 2008

/s/ Craig A. Burnett

Craig A. Burnett, CA State Bar No. 118907
Attorney for Adversary Defendant/Counterclaimant/Apellant

APPEAL

**U.S. Bankruptcy Court
Northern District of California (Santa Rosa)
Adversary Proceeding #: 07-01080
Internal Use Only**

Assigned to: Judge Alan Jaroslovsky

Date Filed: 10/10/07

Related BK Case: 07-10865

Related BK Title: Shannon Falk

Related BK Chapter: 11

Demand:

Nature[s] of Suit: 91 Declaratory judgment

14 Recovery of money/property - other

72 Injunctive relief - other

Plaintiff

Shannon Falk

7000 Malone Rd.
Forestville, CA 95436
SSN: 567-69-8332

represented by **David N. Chandler**

Law Offices of David N. Chandler
1747 4th St.
Santa Rosa, CA 95404
(707) 528-4331
Email: DChandler1747@yahoo.com
LEAD ATTORNEY

V.

Defendant

Michael T. Falk

Post Office Box 1354
Forestville, CA 95436
SSN: 134-36-6743

represented by **Craig A. Burnett**

Law Offices of Craig A. Burnett
537 4th St. #A
Santa Rosa, CA 95401
(707) 523-3328
Email: cburnett@sonic.net

Filing Date

#

Docket Text

10/10/2007

1

Adversary case 07-01080. 91 (Declaratory judgment), 14 (Recovery of money/property - other), 72 (Injunctive relief - other) Complaint by

Shannon Falk against Michael T. Falk. Fee Amount \$250. (Attachments: # 1 AP Cover Sheet # 2 Summons to be issued) (Chandler, David) (Entered: 10/10/2007)

- 10/10/2007 Receipt of filing fee for Complaint(07-01080) [cmp,cmp] (250.00). Receipt number 4710005, amount \$ 250.00 (U.S. Treasury) (Entered: 10/10/2007)
- 10/12/2007 2 Summons Issued on Michael T. Falk Answer Due 11/13/2007. Scheduling Conference to be held on 12/20/2007 at 02:00 PM at Santa Rosa Courtroom - Jaroslovsky. (ds,) (Entered: 10/12/2007)
- 10/16/2007 3 Summons Service Executed on Michael T. Falk 10/16/2007 (*w/proof of service*). (Chandler, David) (Entered: 10/16/2007)
- 11/13/2007 4 Answer to Complaint *w/proof of service by mail* Filed by Michael T. Falk. (Burnett, Craig) (Entered: 11/13/2007)
- 11/21/2007 5 Motion to Compel *Turnover By Custodian And Accounting [11 U.S.C. Section 543]*.. Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 11/21/2007)
- 11/21/2007 6 Notice of Hearing *On Motion To Compel Turnover By Custodian And Compel Accounting (w/proof of service)* (RE: related document(s)5 Motion to Compel filed by Plaintiff Shannon Falk). Hearing scheduled for 12/21/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 11/21/2007)
- 11/21/2007 7 Motion for Summary Judgment *Declarations of Shannon Falk and David N. Chandler, Memorandum Of Points And Authorities* Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 11/21/2007)
- 11/21/2007 8 Notice of Hearing *On Motion For Summary Judgment* (RE: related document(s)7 Motion for Summary Judgment/Adjudication filed by Plaintiff Shannon Falk). Hearing scheduled for 12/21/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 11/21/2007)
- 12/05/2007 9 Brief/Memorandum in Opposition to *Motion for Summary Judgment Filed by Plaintiff Shannon Falk and in Support of Counter-Motion for Summary Judgment Filed by Defendant Michael T. Falk* (RE: related document(s)7 Motion for Summary Judgment/Adjudication). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 12/05/2007)

7

- 12/05/2007 10 Declaration of Defendant Michael T. Falk in Opposition of *Motion for Summary Judgment Filed by Plaintiff Shannon Falk and in Support of Counter-Motion for Summary Judgment filed by Defendant Michael T. Falk* (RE: related document(s) 7 Motion for Summary Judgment/Adjudication). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 12/05/2007)
- 12/05/2007 11 Statement of Uncontroverted Facts in Opposition to the Motion for Summary Judgment Filed by Plaintiff Shannon Falk and in Support of Counter-Motion for Summary Judgment Filed by Defendant Michael T. Falk (RE: related document(s) 7 Motion for Summary Judgment/Adjudication). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 12/05/2007)
- 12/05/2007 12 Document: *Evidentiary Objections Filed by Defendant Michael T. Falk in Opposition to the Motion for Summary Judgment Filed by Plaintiff Shannon Falk*. (RE: related document(s) 7 Motion for Summary Judgment/Adjudication). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 12/05/2007)
- 12/05/2007 13 Notice Regarding *Counter-Motion for Summary Judgment Filed by Defendant Michael T. Falk, w/proof of service by mail* (RE: related document(s) 7 Motion for Summary Judgment/Adjudication filed by Plaintiff Shannon Falk). Filed by Defendant Michael T. Falk. (Attachments: # 1 Exhibit proposed order) (Burnett, Craig) (This document is a notice of hearing. See document #15 for the correct links and hearing date and time.) Modified on 12/7/2007 (ds,). (Entered: 12/05/2007)
- 12/05/2007 14 Motion for Summary Judgment Filed by Defendant Michael T. Falk. (Burnett, Craig) (Entered: 12/05/2007)
- 12/06/2007 15 Notice of Hearing on *Defendant Michael T. Falk's Counter-Motion for Summary Judgment w/proof of service by email* (RE: related document(s) 14 Motion for Summary Judgment/Adjudication filed by Defendant Michael T. Falk, 7 Motion for Summary Judgment/Adjudication filed by Plaintiff Shannon Falk). Hearing scheduled for 12/21/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Defendant Michael T. Falk. (Burnett, Craig) (Entered: 12/06/2007)
- 12/07/2007 16 Declaration of Joann Campoy, Esq. in Opposition of *Plaintiff's Motion for Order Compelling Turnover by Custodian and Accounting w/proof of service by mail* (RE: related document(s) 5 Motion to Compel). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 12/07/2007)

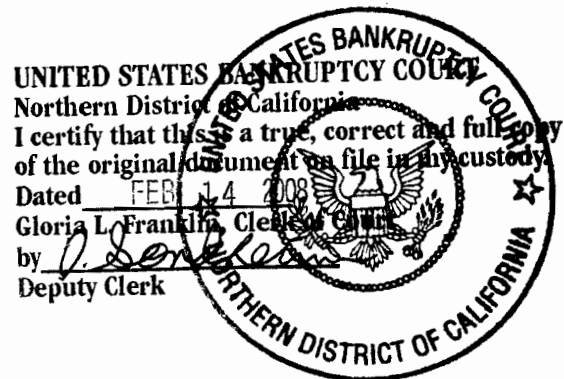
- 12/11/2007 17 Motion For Order Determining Applicability Of Privilege; Declarations of David N. Chandler and Shannon Falk; Memorandum Of Points and Authorities Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 12/11/2007)
- 12/11/2007 18 Notice of Hearing On Motion For Order Determining Applicability of Privilege (RE: related document(s)17 Motion Miscellaneous Relief filed by Plaintiff Shannon Falk). Hearing scheduled for 12/21/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Shannon Falk. (Chandler, David) (Entered: 12/11/2007)
- 12/13/2007 19 Ex Parte Motion for Order Shortening Time for Giving Notice of Hearing (RE: related document(s)17 Motion For Order Determining Applicability Of Privilege filed by Plaintiff Shannon Falk) and Declaration of David N. Chandler Filed by Plaintiff Shannon Falk. (ds,) (Entered: 12/13/2007)
- 12/13/2007 20 Order Granting Motion to Shorten Time (Related Doc # 19Ex Parte Motion for Order Shortening Time for Giving Notice of Hearing RE: 17 Motion For Order Determining Applicability Of Privilege) (ds,) (Entered: 12/13/2007)
- 12/14/2007 21 Objection to Plaintiff's Motion for Order Determining Applicability of Privilege and Counter-Motion for Protective Order; Declaration of Craig A. Burnett in Support Thereof (RE: related document(s)17 Motion Miscellaneous Relief). Filed by Defendant Michael T. Falk (Attachments: # 1 Exhibit Exhbts 1-3) (Burnett, Craig) (Entered: 12/14/2007)
- 12/17/2007 22 Defendant Michael T. Falk's Ex Parte Application for Order shortening time for giving notice of hearing on Defendant's counter-Motion for a Protective Order Filed by Defendant Michael T. Falk (RE: related document(s)17 Motion For Order Determining Applicability Of Privilege filed by Plaintiff Shannon Falk) . (kl,) (Entered: 12/17/2007)
- 12/17/2007 23 Order Granting Defendant Michael T. Falk's Ex Parte Application for Order shortening time for giving notice of hearing on Defendant's counter-Motion for a Protective Order.(Related Doc # 22) (kl,) (Entered: 12/17/2007)
- 12/17/2007 24 Hearing Held (RE: related document(s)22 Defendant Michael T. Falk's Ex Parte Application for Order shortening time for giving notice of hearing on Defendant's counter-Motion for a Protective Order Filed by Defendant Michael T. Falk (After Hearing; Deposition to go forward as scheduled) (Appearances: Craig Burnett and David Chandler) (ta,) (Entered: 12/18/2007)

- 12/20/2007 ● Hearing Continued (RE: related document(s) 1 SC/Adversary case 91 (Declaratory judgment), 14 (Recovery of money/property - other), 72 (Injunctive relief - other) Complaint by Shannon Falk against Michael T. Falk. Status Conference to be held on 1/28/2008 at 2:00 PM Santa Rosa Courtroom (Appearances: Craig Burnett and David Chandler) (ta,) (Entered: 12/20/2007)
- 12/20/2007 ● 24 Declaration of David N. Chandler *In Reply to Opposition And In Opposition To Counter Motion For Summary Judgment* (RE: related document(s) 14 Motion for Summary Judgment/Adjudication, 7 Motion for Summary Judgment/Adjudication). Filed by Plaintiff Shannon Falk (Chandler, David) (Entered: 12/20/2007)
- 12/21/2007 ● Hearing Continued (RE: related document(s) 17 Motion *For Order Determining Applicability Of Privilege; Declarations of David N. Chandler and Shannon Falk; Memorandum Of Points and Authorities*). Hearing to be held on 1/11/2008 at 9:00 AM Santa Rosa Courtroom - Jaroslovsky for 17, (Appearances: David Chandler, Craig Burnett, Joann Campoy) (ds,) (Entered: 12/21/2007)
- 12/21/2007 ● Hearing Continued (RE: related document(s) 5 Motion to Compel filed by Plaintiff Shannon Falk). Hearing to be held on 1/11/2008 at 9:00 AM Santa Rosa Courtroom - Jaroslovsky for 5, (Appearances: David Chandler, Craig Burnett, Joann Campoy) (ds,) (Entered: 12/21/2007)
- 12/21/2007 ● Hearing Continued (RE: related document(s) 7 Motion for Summary Judgment/Adjudication filed by Plaintiff Shannon Falk). Hearing to be held on 1/11/2008 at 9:00 AM Santa Rosa Courtroom - Jaroslovsky for 7, (Appearances: David Chandler, Craig Burnett, Joann Campoy) (ds,) (Entered: 12/21/2007)
- 12/21/2007 ● Hearing Continued (RE: related document(s) 14 Motion for Summary Judgment/Adjudication filed by Defendant Michael T. Falk,). Hearing to be held on 1/11/2008 at 9:00 AM Santa Rosa Courtroom - Jaroslovsky for 14, (Appearances: David Chandler, Craig Burnett, Joann Campoy) (ds,) (Entered: 12/21/2007)
- 01/09/2008 ● 25 Objection to Declaration of David Chandler Dated 12/20/07 (RE: related document(s) 24 Declaration,). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 01/09/2008)
- 01/11/2008 ● Hearing Held (RE: related document(s) 17 Motion For Order Determining Applicability Of Privilege Filed by Plaintiff Shannon Falk (After Hearing; Matter submitted - Judge Jaroslovsky to prepare a written decision within 10 days) (Appearances: David Chandler and Craig Burnett) (ta,) (Entered: 01/14/2008)

- 01/11/2008 ● Hearing Held (RE: related document(s)5 Motion to Compel Turnover By Custodian And Accounting Filed by Plaintiff Shannon Falk (After Hearing; Matter submitted - Judge Jaroslovsky to prepare written decision within 10 days) (Appearances: David Chandler and Craig Burnett) (ta,) (Entered: 01/14/2008)
- 01/11/2008 ● Hearing Held (RE: related document(s)7 Motion for Summary Judgment Filed by Plaintiff Shannon Falk (After Hearing; Matter submitted - Judge Jaroslovsky to prepare written decision within 10 days) (Appearances: David Chandler and Craig Burnett) (ta,) (Entered: 01/14/2008)
- 01/11/2008 ● Hearing Held (RE: related document(s)14 Counter Motion for Summary Judgment Filed by Defendant Michael T. Falk (After Hearing; Matter submitted - Judge Jaroslovsky to prepare written decision within 10 days) (Appearances: Craig Burnett and David Chandler) (ta,) (Entered: 01/14/2008)
- 01/16/2008 ●26 Memorandum and Order on Motion for Turnover. (dp) (Entered: 01/16/2008)
- 01/22/2008 ●27 Memorandum on Cross Motions for Summary Judgment. (dp) (Entered: 01/22/2008)
- 01/28/2008 ● Hearing Held (RE: related document(s)1 SC/Adversary case 91 (Declaratory judgment), 14 (Recovery of money/property - other), 72 (Injunctive relief - other) Complaint by Shannon Falk against Michael T. Falk. (After Hearing; Off calendar) (Appearances: David Chandler, Jr. and Craig Burnett) (ta,) (Entered: 01/30/2008)
- 02/01/2008 ●28 Order Granting Plaintiff's Motion for Summary Judgment (Related Doc # 7), Denying Defendant's Motion for Summary Judgment (Related Doc # 14) (ds,) (Entered: 02/01/2008)
- 02/11/2008 ●29 Notice of Appeal to District Court , Fee Amount \$ 255. (RE: related document(s)28 Order on Motion for Summary Judgment/Adjudication,). Appellant Designation due by 2/21/2008. Transmission to District Court due by 3/12/2008. Filed by Defendant Michael T. Falk (Burnett, Craig) Additional attachment(s) added on 2/14/2008 (ds,). (Entered: 02/11/2008)
- 02/11/2008 Receipt of filing fee for Notice of Appeal(07-01080) [appeal,ntcapl] (255.00). Receipt number 5108173, amount \$ 255.00 (U.S. Treasury) (Entered: 02/11/2008)

02/13/2008 30 Statement of Election to District Court, (RE: related document(s) 29 Notice of Appeal, filed by Defendant Michael T. Falk). Filed by Defendant Michael T. Falk (Burnett, Craig) (Entered: 02/13/2008)

02/14/2008 31 Transmittal of Record on Appeal to District Court (RE: related document(s) 29 Notice of Appeal filed by Defendant Michael T. Falk). (ds,) (Entered: 02/14/2008)



Entered on Docket
February 01, 2008
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL FILED
FEB - 1 2008
U.S. BANKRUPTCY COURT
SANTA ROSA, CA

David N. Chandler, Sr. SBN 60780
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Attorneys for Plaintiff

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CASE NO. 07-10865
SHANNON FALK, CHAPTER 11
Debtor. /

SHANNON FALK, A.P. No. 07-1080
Plaintiff,

v.

MICHAEL FALK,
Defendant. / ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

The Motion for Summary Judgment filed herein by Shannon Falk, Plaintiff, and the Counter Motion for Summary Judgment filed herein by Michael Falk, Defendant, having regularly come on for hearing before the above entitled Court on January 11, 2008, David N. Chandler appearing for Shannon Falk and Craig Burnett appearing for Michael Falk, the matters having been argued and submitted, and the Court having filed its Memorandum of Decision on January 22, 2008, and cause appearing,

IT IS HEREBY ORDERED as follows:

1. That the Motion for Summary Judgment filed by Shannon Falk, Plaintiff, is granted.

2. That the Motion for Summary Judgment filed by Michael Falk, Defendant, is denied.

1 3. That Judgment shall enter in favor of the Plaintiff on
2 the Complaint filed herein on October 10, 2007.

3
4 Dated: February 1, 2008


Alan Jaroslovsky
U.S. Bankruptcy Judge